

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0125 Arkansas State University

ACT#: 1056

SECTION#: 3

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. Such appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.

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EXECUTIVE RECOMMENDATION

TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of Arkansas Code 19-4-522 or the provisions of Arkansas Code 6-62-104, but only as provided by this act.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISIONS. The state-supported institution of higher education in this act may transfer appropriations between the various line items within each appropriation contained in this appropriation act. Such transfers shall be made only after the approval of the Department of Higher Education and the Chief Fiscal Officer of the State, and the approval of the Legislative Council.

The General Assembly has determined that the institution in this act could be operated more efficiently if some flexibility is given to that institution and that flexibility is being accomplished by providing authority to transfer between items of appropriation made by this act. Since the General Assembly has granted the institution broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

POSITIONS. (a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

REALLOCATION OF RESOURCES. Upon determination by the President of Arkansas State University that a reallocation of resources for purposes of reorganization or consolidation of administrative functions within the university is necessary for efficient and effective operations of the university, the president, with approval of the Arkansas State University Board of Trustees, may have the authority to transfer positions, appropriations and related funds between campuses, divisions, branches, and other budgetary units of Arkansas State University. The transfers of positions, programs, or activities shall be used for those purposes for which the appropriations were approved by the General Assembly. The transfers, consolidation, or reorganization which involve academic programs shall be reviewed by the Department of Higher Education and the Legislative Council.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

LEASES. Notwithstanding any law to the contrary, the Board of Trustees of Arkansas State University may hereafter lease facilities or operations for room and board purposes in any manner and upon terms the board deems to be in the best interest of the university. Action taken under this act shall be by written resolution adopted by at least a majority of the members of the board.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

CONTINGENCY. (a) To address needs emerging from the restructuring of the Technical Institutes, ASU Technical Center shall establish and maintain for the ~~2003-2005~~ 2005-2007 biennium a pool of four (4) unclassified positions and three (3) classified positions, payable from funds appropriated for ASU Technical Center. These positions are to be used by ASU Technical Center in the event that the number and level of positions available to address the needs emerging from business and industry driven program expansions exceeds the number of positions regularly authorized for ASU Technical Center.

(b) ASU Technical Center shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this position pool. No classifications will be assigned to the pool until such time as specific positions are requested and justified by ASU Technical Center, recommended by OPM and approved by the Legislative Council. ASU Technical Center may transfer positions from this pool to any pay schedule the agency currently maintains or any pay schedule the agency receives during the ~~2003-2005~~ 2005-2007 biennium.

(c) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that ASU Technical Center could be operated more efficiently if some flexibility is given to that

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EXECUTIVE RECOMMENDATION

agency. That flexibility is being accomplished by providing growth pools in subsection (a) of this section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~PART-TIME FACULTY – ASU TECHNICAL CENTER. The Technical Centers are not required to remit a state contribution to the state employee insurance trust fund on Workforce Education Part-time Faculty Positions unless the position will be utilized for more than 1,000 hours a year.~~

~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

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EXECUTIVE RECOMMENDATION

FUND BALANCES. The Board of Trustees in its official governing capacity charged with the management or control of the institution of higher learning and the President or Chancellor as the Chief Executive shall certify to the Chief Fiscal Officer of the State and the Legislative Council that as of December 31 of each year that sufficient appropriations and funds are available, or will become available, to meet all current and anticipated obligations during the fiscal year for the payment of the obligations when they become due.

This certification, signed by the Chair of the Board of Trustees and the President or Chancellor will be forwarded by February 28 of each year or upon release of the previous year's audit by Legislative Audit to the Chief Fiscal Officer of the State and the Legislative Council accompanied by the Board approved published annual financial statement for the preceding fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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